

Note for Keane, Denise

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**From:** Keane, Denise  
**Date:** Fri, Sep 30, 1994 2:31 PM  
**Subject:** FTC NEWS - FYI  
**To:** LeVan, Suzanne; Lund, Nancy; Mikulay, Robert  
**Cc:** Morgan, Jim; Parrish, Steve

THE PROPOSED CONSENT AGREEMENT BETWEEN THE FTC AND AMERICAN TOBACCO COMPANY OVER TAR AND NICOTINE ADVERTISING FOR AMERICAN'S CARLTON BRAND WOULD PROHIBIT AMERICAN FROM DISSEMINATING ADS THAT CONTAIN CLAIMS CONCERNING THE AMOUNT OF TAR AND NICOTINE A CONSUMER GETS FROM SMOKING A PARTICULAR BRAND.

ONE OF THE ADS OBJECTED TO CONTAINED THE STATEMENT "10 PACKS OF CARLTON HAVE LESS TAR THAN 1 PACK OF THESE BRANDS". THE FTC'S POSITION IS THAT THESE ADS WILL CAUSE CONSUMERS TO CONCLUDE THAT THEY GET LESS TAR BY SMOKING 10 PACKS OF CARLTON THAN BY SMOKING A SINGLE PACK OF THE OTHER BRANDS SHOWN. THE FTC'S POSITION IS THAT THE RATINGS PUBLISHED IN THE ADS ARE OBTAINED BY SMOKING MACHINES THAT DO NOT REFLECT ACTUAL SMOKING DELIVERIES AND THAT THE REPRESENTATIONS ARE THEREFORE FALSE AND UNSUBSTANTIATED. THE SETTLEMENT PROHIBITS AMERICAN FROM DEPICTING THE TAR OR NICOTINE RATINGS OF ITS BRANDS AS A MULTIPLE, FRACTION OR RATIO OF THE TAR OR NICOTINE RATINGS OF ANY OTHER BRAND OF CIGARETTES AND/OR THE VISUAL DEPICTION OF MORE THAN ONE PACK OF AMERICAN'S BRANDS VERSUS ONE PACK OF ANY OTHER BRAND AS A WAY TO COMMUNICATE THAT CONSUMERS WILL GET LESS TAR (OR NICOTINE) BY SMOKING ANY NUMBER OF AMERICAN'S CIGARETTES RATHER THAN BY SMOKING ONE OR MORE CIGARETTES OF ANY OTHER BRAND. THE PROPOSED CONSENT AGREEMENT WILL BE PUBLISHED IN THE FEDERAL REGISTER AND WILL BE SUBJECT TO A 60 DAY COMMENT PERIOD. LET ME KNOW IF YOU HAVE ANY QUESTIONS.

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